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2 **Entered on Docket**
3 **October 10, 2007**
4

A handwritten signature in black ink, appearing to read "Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

5
6 **LEWIS AND ROCA LLP**
7

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9 Las Vegas, NV 89169-5996
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14 Rob Charles NV State Bar No. 006593
15 Email: rcharles@lrlaw.com

16 *Attorneys for USACM Liquidating Trust*

17 **UNITED STATES BANKRUPTCY COURT**
18 **DISTRICT OF NEVADA**
19

In re:		Case No. BK-S-06-10725-LBR
USA COMMERCIAL MORTGAGE	}	Case No. BK-S-06-10726-LBR
COMPANY,	}	Case No. BK-S-06-10727-LBR
USA CAPITAL REALTY ADVISORS,	}	Case No. BK-S-06-10728-LBR
LLC,	}	Case No. BK-S-06-10729-LBR
USA CAPITAL DIVERSIFIED TRUST	}	CHAPTER 11
DEED FUND, LLC,	}	Jointly Administered Under Case No. BK-S-06-10725 LBR
USA CAPITAL FIRST TRUST DEED	}	Date: April 26, 2007
FUND, LLC,	}	Time: 9:30 a.m
USA SECURITIES, LLC,	Debtors.	Affecting:
		<input type="checkbox"/> All Cases
		or Only:
		<input checked="" type="checkbox"/> USA Commercial Mortgage Company
		<input type="checkbox"/> USA Capital Realty Advisors, LLC
		<input type="checkbox"/> USA Capital Diversified Trust Deed Fund, LLC
		<input type="checkbox"/> USA Capital First Trust Deed Fund, LLC
		<input type="checkbox"/> USA Securities, LLC

1 **ORDER SUSTAINING THIRTY-FOURTH OMNIBUS OBJECTION OF THE**
2 **USACM LIQUIDATING TRUST TO CLAIMS ASSERTING SECURED STATUS**

3 The USACM Liquidating Trust (the “USACM Trust”) filed its Thirty-Fourth
4 Omnibus Objection to Claims Asserting Secured Status [DE 4613] (the “Objection”) on
5 August 22, 2007. Appropriate notice of the Objection was given.

6 No responses were filed with this Court. The Objection came before the Court for
7 hearing on September 28, 2007 at 9:30 a.m. Good cause appearing, it is

8 **ORDERED:**

9 • Sustaining the USACM Trust’s Thirty-Fourth Omnibus Objection to Claims
10 Asserting Secured Status;

11 • Reclassifying the Proofs of Claim listed on Exhibit A attached as general
12 unsecured claims; and

13 • Reserving the right of any party in interest, including the USACM Trust, to
14 further object to any and all claims listed on Exhibit A attached as unsecured claims or
15 otherwise, whether or not the subject of this Objection.

16 ####

17 PREPARED AND SUBMITTED:

18 **LEWIS AND ROCA LLP**

19 By: /s/ RC (#0006593)

20 Susan M. Freeman

21 Rob Charles

22 *Attorneys for USACM Liquidating Trust*

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1 CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

2 In accordance with Local Rule 9021, the undersigned certifies:

- 3 The Court waived the requirements of LR 9021.
- 4 I have delivered a copy of this proposed order to all attorneys and unrepresented
5 parties who have appeared at the hearing regarding this matter and/or who filed
a written objection and each has:
- 6 approved the form of this order;
- 7 waived the right to review the order;
- 8 failed to file and serve papers in accordance with LR 9021(c); and/or
- 9 failed to sign and return this proposed order within five (5) business days
in accordance with LR 9021(b) (Erven T. Nelson).
- 10 I have delivered a copy of this proposed order to all attorneys and unrepresented
11 parties who appeared at the hearing regarding this matter and/or who filed a
12 written objection and all have either approved the form of this order, waived the
right to review the order, failed to file and serve papers in accordance with LR
9021(c) and the following have disapproved the form of the order.
- 13 No opposition was filed and no other party or counsel appeared at the hearing.

15 **LEWIS AND ROCA LLP**

16 By: /s/ RC (#0006593)

17 Susan M. Freeman

18 Rob Charles

19 *Attorneys for USACM Liquidating Trust*

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USACM Liquidating Trust
OBJECTION TO CLAIMS ASSERTING SECURED STATUS
RECLASSIFY AS GENERAL UNSECURED CLAIMS

<u>Claimant</u>	<u>Proof of Claim No.</u>	<u>Proof of Claim Amount</u>	<u>Proof of Claim Classification</u>
Al-Awar Living Trust Dated 4/05/01 Adib M. & Ellen A. Al-Awar, Trustees 1330 Burro Ct. Gardnerville, NV 89410	10725-02366	\$1,807,956.81	Secured
Aldrich IRA, Georgette 2117 Las Flores Street Las Vegas, NV 89102-3813	10725-02459	\$48,536.33	Secured
Aquino, John P. & Lisa 2950 Cabrillo San Francisco, CA 94121-3532	10725-02371	\$50,000.00	Secured
Aquino, John P. & Lisa 2950 Cabrillo San Francisco, CA 94121-3532	10725-02372	\$50,000.00	Secured
Aquino, John P. & Lisa 2950 Cabrillo San Francisco, CA 94121-3532	10725-02373	\$39,966.56	Secured
Beckman, Gary 6756 Quinella Dr. Las Vegas, NV 89103-4356	10725-02410	\$50,000.00	Secured
Bruno, Vincent 4961 E. Patterson Ave. Las Vegas, NV 89104	10725-00299	\$50,487.00	Secured
Cangelosi, Donna M. & Brandon Arner 5860 Lausanne Dr. Reno, NV 89511-5034	10725-01717-2	\$101,943.84	Secured
Cangelosi, Donna M., Trustee Donna M. Cangelosi Family Trust 5860 Lausanne Dr. Reno, NV 89511-5034	10725-01716-2	\$768,560.86	Secured
Cangelosi, Margaret M., Trustee 614 Hillside Crossing Pompton Plains, NJ 07444	10725-02381	\$111,767.12	Secured

EXHIBIT A

USACM Liquidating Trust
OBJECTION TO CLAIMS ASSERTING SECURED STATUS
RECLASSIFY AS GENERAL UNSECURED CLAIMS

Clark, Curtis Curtis Clark IRA 1403 Pueblo Drive Boulder City, NC 89005-3203	10725-02442	\$64,791.00	Secured
Clark, Donald P., Trustee Donald P. Clark Family Trust 305 W. Moana Lane, Suite C Reno, NV 89509	10725-02393	\$559,011.56	Secured
Clark, Rosanne L. 2350 High Terrance Dr. Reno, NV 89509	10725-02290	\$152,747.24	Secured
Disbrow, Eric C., Trustee Eric C. Disbrow MD Inc. Profit Sharing Plan 3640 Fairway Drive Cameron Park, CA 95682	10725-02363	\$447,567.04	Secured
Disbrow, Eric C., Trustee Eric C. Disbrow MD Inc. Profit Sharing Plan 3640 Fairway Drive Cameron Park, CA 95682	10725-02364	\$447,567.00	Secured
Downey, William 3637 Larch Avenue, Suite 3 So. Tahoe, CA 96150	10725-02368	\$400,164.43	Secured
Dunbar Rlt Dated 11/21/98 Donald C. & Wanda Dunbar, Trustees 18124 Wedge Parkway, #153 Reno, NV 89511	10725-02405	\$729,865.62	Secured
Essaff, Robert & Cindy H., Trustees Essaff Family Trust Dated 6/18/02 2860 Heybourne Road Minden, NV 89423	10725-02382	\$1,599,184.01	Secured
Ernest W. Libman IRA 1709 Glenview Drive Las Vegas, NV 89134-6121	10725-02458	\$12,821.00	Secured

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Fager, Denise F., Trustee Denise F. Fager Revocable Trust UAD 2/28/03 5 Salvatore Ladera Ranch, CA 92694	10725-02355	\$663,782.03	Secured
Fager, Denise F., Trustee Denise F. Fager Revocable Trust UAD 2/28/03 5 Salvatore Ladera Ranch, CA 92694	10725-02356	\$663,782.03	Secured
Freedus JT Ten, Eric B. & Linda P. 5008 Nighthawk Way Oceanside, CA 92056	10725-02404	\$304,419.00	Secured
Garcell, Paul L. & Pamela Hertz Rev Family Trust Paul L. Garcell, Trustee 2013 Grouse Street Las Vegas, NV 89134	10725-02361	\$50,000.00	Secured
Gilmour, Nancy R., IRA First Savings Bank Custodian P.O. Box 1241 Camano Island, WA 98292-1241	10725-02380	\$203,004.11	Secured
Gloy, Tom P. O. Box 4497 Incline Village, NV 89450	10725-00066-2	\$200,000.00	Secured
Graham, Nanci 240 Upper Terrace #3 San Francisco, CA 94117-4516	10725-02370	\$15,823.13	Secured
Groh IRA, Alan 12613 Alcacer Del Sol San Diego, CA 92128-4428	10725-02417	\$152,701.90	Secured
Haney, George 3289 Topaz Lane Cameron Park, CA 95682	10725-02418	\$50,000.00	Secured

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Hein, Dennis E. & Meyer Don D., Joint Tenants with Right of Survivorship c/o Don D. Meyer 3425 E. Russell Road, Unit 247 Las Vegas, NV 89120	10725-02407	\$126,590.00	Secured
Hertz, Murray 2013 Grouse Street Las Vegas, NV 89134	10725-02362	\$50,000.00	Secured
JDL Trust Dated 1/27/04 Jack D. La Flesch, Trustee 8414 W. Farm Rd., #180-255 Las Vegas, NV 89131	10725-02352	\$50,746.52	Secured
Johnston Trust Dated 9/7/85 Rodney L. & Diane E. Johnston, Trustees 4326 Arcadian Drive Castro Valley, CA 94546	10725-02354	\$51,041.48	Secured
Kassu LLC PSP Dated 1/1/05 c/o Kathleen A. Boyce, Trustee 16865 Rue Du Parc Reno, NV 89511-4575	10725-02337	\$699.08	Secured
Kempf, Marius & Mary A., Trustees Fred & kellee Kempf Trust 2560 Forest City Drive Henderson, NV 89052-6951	10725-02446	\$55,513.00	Secured
Krynz, David B., Individually & As Managing Partner of Gold Runner LLC 740 Aldo Rae Ct. Henderson, NV 89052	10725-02339	\$57,374.31	Secured
La Flesch, Jack D. IRA First Savings Bank, Custodian 8414 W. Farm Rd., #180-255 Las Vegas, NV 89131	10725-02350	\$50,282.02	Secured
Lamb-Groves, Norma, Trustee Norma Lamb-Groves Trust Dated 2/18/03 1355 Player Circle St. George, UT 84790	10725-02365	\$101,493.05	Secured

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Lee, Emily 2223 25 th Avenue San Francisco, CA 94116	10725-02388	\$50,716.38	Secured
Lee, Richard 1446 35 th Avenue San Francisco, CA 94122	10725-02387	\$24,613.31	Secured
Libman, Ernest W., IRA 1709 Glenview Drive Las Vegas, NV 89134-6121	10725-02458	\$12,821.00	Secured
Lucas, Janice A. IRA 1310 Secret Lake Loop Lincoln, CA 95648-8412	10725-02359	\$76,060.67	Secured
Maguire, John J. & Diane M., Trustees John J. & Diane M. Maguire Living Trust Dated 8/4/00 5590 San Palazzo Ct. Las Vegas, NV 89141-3913	10725-02375	\$101,250.19	Secured
McQuerry Family Trust William McQuerry 318 Singing Brook Cir. Santa Rosa, CA 95409-6483	10725-02240	\$101,011.00	Secured
McQuerry Family Trust William McQuerry 318 Singing Brook Cir. Santa Rosa, CA 95409-6483	10725-02241	\$51,083.33	Secured
McQuerry Family Trust William McQuerry 318 Singing Brook Cir. Santa Rosa, CA 95409-6483	10725-02242	\$49,968.89	Secured
McQuerry Family Trust William McQuerry 318 Singing Brook Cir. Santa Rosa, CA 95409-6483	10725-02243	\$48,039.14	Secured

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McQuerry Family Trust William McQuerry 318 Singing Brook Cir. Santa Rosa, CA 95409-6483	10725-02244	\$100,000.00	Secured
McQuerry Family Trust William McQuerry 318 Singing Brook Cir. Santa Rosa, CA 95409-6483	10725-02245	\$51,515.96	Secured
McQuerry Family Trust William McQuerry 318 Singing Brook Cir. Santa Rosa, CA 95409-6483	10725-02246	\$30,852.80	Secured

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